

REMARKS

The Office Action mailed March 27, 2001, has been received and reviewed. By way of response, Applicants have amended Claim 20, and cancelled previously pending Claim 24. Also, new Claim 36 has been added for consideration. As a result, the currently pending claims are Claims 20, 21, 22, 23, 25, 26, 29, 30, 31, 32, 33, 34, 35 and 36. The only independent claim is Claim 20. As indicated by the remarks herein, it is believed that each of the claims is now in proper condition for allowance, and notice of this effect is requested.

It is noted that to facilitate prosecution, prior to the sub-heading "Remarks" above, the dependent claims from earlier prosecution, not directly amended, are retyped. It is also noted that attached hereto, as pages 11 and 12, is a two page document including a version of the amended claims, specifically, claims 20 and 36, showing where changes are made.

Request for Extension of Time

It is noted that a two month extension of time is necessary, in order to provide for timeliness of the present response. A request for such an extension is made.

Applicants' Invention and Amended Claim 20

As indicated in Applicants' specification, for example at page 10, line 23 to page 12, line 2, the particular apparatus and method disclosed concern an advantageous system and method for delivering boxed pizzas. That is, generally, cooked pizzas contained in cardboard boxes are delivered, using the methods and apparatus described.

In general, independent Claim 20, the only independent claim, relates to a method for transporting the cooked pizzas in cardboard boxes. It is noted that Claim 20 has been amended to more specifically reference the fact that the method is particularly for delivering cooked pizzas in cardboard boxes. Several amendments to the claim have been made, to emphasize this.

In general, the box, containing the pizza, is placed within a case having insulated walls. Within a sub-chamber in the case, is also placed a thermal storage assembly. The thermal storage assembly includes various features such as a heat retention member, a heating coil and a power cord. The thermal storage assembly is heated, while positioned within the sub-chamber, through application of AC (alternating current).

The cardboard box containing cooked pizza is positioned within the interior volume of the transport case, either before or after the heat is applied to thermal storage assembly. The delivery person can transport the boxed pizza rather easily, with appropriate thermal maintenance, to ensure delivery of a box containing a hot pizza.

With respect to the amendments to previously pending claim 20, the following observations are made:

1. In 20(a) the term "comprise" was changed to --comprising-- for use of appropriate verb form, with no intent to modify claim scope.
2. In 20(a) the term "comprises" was changed to --comprise-- for proper verb form without any intent to modify claim scope.
3. In the preamble of claim 20 the phrase "in a cardboard box" was added, to specifically indicate that the method relates to delivery of pizza in a cardboard box, as opposed to merely a delivery of pizza.

4. In claim 20(d) the term --cardboard-- was added at two locations, for consistency with the preamble language.

The Art Cited By The Examiner

As the record indicates, the Examiner recognized that the subject matter claimed distinguishes a combination of Norvell 5,454,471 and Hyatt 5,750,962 at least due to the requirement in independent Claim 20, that the method involves heating the thermal storage assembly within the sub-chamber by energizing the heating coil by providing alternating current between the power source and the heating coil via the power cord.

Based on this recognition, the Examiner conducted further art investigation and cited Kinberger 5,159,177 in combination with Norvell '471 and Hyatt '962, with respect to independent Claim 20, as the claim appeared prior to above requested amendments. The Examiner's comments indicate a position that Kinberger discloses applying AC power to a heat retention member within a pizza carrier, prior to inserting a pizza. The assertion by the Examiner is that it would have been obvious to heat the retention member of "Norvell in view of Hyatt", within a pizza carrier, in the manner of Kinberger '177.

In general, Kinberger '177 concerns a system for retaining food such as pizza hot, while driving moisture out of it, during storage or transport. The pizza is placed upon a rack within the container, with the pizza resting on an uncovered baking tray or baking sheet. According to Kinberger '177, the heater 31 in the bottom of the unit, can be preheated before the sheet or tray having the pizza thereon is put into the container, if desired.

It is noted that Kinberger '177 is specifically presented as being an alternative to methods in which pizza contained within a cardboard box, is delivered. Kinberger '177 concerns having

the pizza uncovered on an open baking tray or sheet, and in a system designed to drive moisture out of the food, for collection against a surface of the container.

Kinberger '177 then, has no relevance to methods that concern delivery of boxed pizzas. As indicated in the background and the general discussions of Kinberger '177, the '177 reference is specifically meant to teach techniques usable as alternatives to delivering boxed pizzas, and does not concern techniques suggested as usable with the delivery of boxed pizzas.

The methods of Applicants' claims, on the other hand, were particularly developed with respect to the delivery of pizzas contained within cardboard boxes, i.e., the delivery of boxed pizzas. Although Claim 20 as previously phrased, required placing a box containing cooked pizza within said interior volume, in 20 (d), claim 20 has been amended to even more clearly clarify that the techniques relate to the delivery of boxed pizzas, and to specifically require that the method relate to delivery of pizzas contained within "cardboard" boxes.

It is Applicants' position, then, that it would not have been obvious to combine the heating technique of Kinberger '177, with the Norvell '471 and Hyatt '962 references, since Kinberger '177 has no technique which is related to the delivery of boxed pizzas. Rather, Kinberger '177 specifically relates to food which is on a sheet or tray, and from which moisture is to be driven, during the heating process.

Applicants' technique, on the other hand, relates to delivering a boxed pizza, so that the end user will have the experience of opening the box, and feeling the heat and steam come off of the pizza, reflecting freshness.

As to the dependent claims, it is noted that each depends either directly or indirectly from Claim 20, and thus each is allowable for at least similar reasons. As a result, further discussion

of the dependent claims, and additional manners in which they may distinguish the art, is not presented.

To summarize, Applicants contend that Kinberger '177 is readily distinguished by methods that concern the delivery of boxed pizzas. The techniques of Kinberger '177 are specifically characterized as relating to methods that do not concern the delivery of boxed pizzas, but rather pizzas positioned on baking trays or sheets. It would not have been obvious to combine the techniques of Kinberger '177, then, with methods of delivering boxed pizzas.

In view of the above comments, withdrawal of the prior art-based rejection over Novell '471, Hyatt '962, and Kinberger '177 is requested.

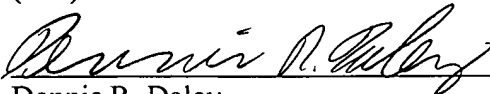
Conclusion

For the reasons stated herein, it is believed that each of Claims 20, 21, 22, 23, 25, 26, 29, 30, 31, 32, 33, 34, 35, and 36 is in condition for allowance, and a notice to this affect is requested. The Examiner is invited to contact Applicants' representative, below is a telephone number, if it is believed that prosecution may be facilitated thereby.

Respectfully submitted,

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VERSION OF CLAIMS SHOWING CHANGES
REQUESTED BY COMPANION AMENDMENT OF,
TO APPLICATION SERIAL NUMBER 09/204,013; ADDITIONS
INDICATED WITH UNDERLINING; DELETIONS BY BRACKETS

20.(4th Amendment) A method for transporting cooked pizza in a cardboard box, the method comprising steps of:

- (a) providing a case having walls defining an interior volume, an opening for accessing said interior volume, a flap for covering said opening, and a cover within said interior volume for providing a sub-chamber, said walls defining an interior volume [comprise] comprising a top wall, a bottom wall, side walls, and a rear wall, and wherein each wall and the flap [comprises] comprise pliable fabric layers with thermal insulation contained between said pliable fabric layers;
- (b) placing a thermal storage assembly within said sub-chamber between the bottom wall and the cover within said interior volume for providing a sub-chamber, said thermal storage assembly comprising:
 - (i) a heat retention member for absorbing and retaining heat and for releasing said heat over extended period of time;
 - (ii) a heating coil assembly in thermally conductive contact with said heat retention member;
 - (iii) a sealed container for containing said heat retention member and said heating coil; and
 - (iv) a power cord for providing electrical connectivity between a power source and said heating coil, said power cord extending into said sealed container;

- (c) heating the thermal storage assembly within the sub-chamber by energizing the heating coil by providing alternating current between the power source and the heating coil via the power cord; and
- (d) placing a cardboard box containing cooked pizza within said interior volume by moving said cardboard box containing cooked pizza through said opening for accessing said interior volume.

36.(New) A method according to Claim 20 including a step of:

- (a) placing a stack of cardboard boxes, each containing a cooked pizza, into said interior.

